

ASSEMBLY BILL 100

SECTION 710

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1 38.26, 38.27, 38.33, and 38.38, all fees collected under s. 38.24, and driver education
2 and chauffeur training aids.

3
4 *b0200/1.2* SECTION 713m. 38.35 of the statutes is repealed.

5 *b0128/2.13* SECTION 714d. 38.40 (title) of the statutes is amended to read:

6 38.40 (title) ~~School-to-work, Technical preparation, school-to-work,~~
7 and work-based learning programs.

8 *b0128/2.13* SECTION 715d. 38.40 (1) of the statutes is amended to read:

9 38.40 (1) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board shall
10 plan, coordinate, administer, and implement the technical preparation,
11 school-to-work, and work-based learning programs under sub. (1m) and such other
12 employment and education programs as the governor may by executive order assign
13 to the board. Notwithstanding any limitations placed on the use of state employment
14 and education funds under this section or under an executive order assigning an
15 employment and education program to the board, the board may issue a general or
16 special order waiving any of those limitations on finding that the waiver will promote
17 the coordination of employment and education services.

18 *b0128/2.13* SECTION 716d. 38.40 (1m) (title) of the statutes is amended to
19 read:

20 38.40 (1m) (title) ~~SCHOOL-TO-WORK~~ TECHNICAL PREPARATION, SCHOOL-TO-WORK,
21 AND WORK-BASED LEARNING PROGRAMS.

22 *b0128/2.13* SECTION 716m. 38.40 (1m) (a) of the statutes is created to read:

23 38.40 (1m) (a) A technical preparation program that includes the technical
24 preparation programs under s. 118.34.

25 *b0128/2.13* SECTION 719d. 38.40 (2) of the statutes is amended to read:

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SECTION 719d

1 38.40 (2) INTERAGENCY ASSISTANCE. The council on workforce investment
2 established under 29 USC 2821 and the department of public instruction shall assist
3 the board in providing the technical preparation, school-to-work, and work-based
4 learning programs under sub. (1m).

5 ***b0296/P2.2* SECTION 724m.** 38.41 of the statutes is created to read:

6 **38.41 Jobs advantage training program.** (1) Subject to sub. (2), the board
7 may award a grant to a business if all of the following apply:

8 (a) The business is located in this state and satisfies any of the following
9 criteria:

10 1. The business has not more than 50 full-time employees.

11 2. The business had not more than \$5,000,000 in gross annual income in the
12 year preceding the year in which the business receives the grant.

13 (b) The business has been in compliance with s. 77.58 for at least 6 months
14 before applying for the grant.

15 (c) The business agrees in writing to use the grant only to provide skills training
16 or other education related to the needs of the business to current or prospective
17 employees of the business.

18 (d) The business agrees in writing to comply with sub. (2) (c).

19 (e) The business submits a plan to the board detailing the proposed use of the
20 grant, and the board approves the plan.

21 (f) The business enters into a written agreement with the board that specifies
22 the conditions for the use of the grant, including reporting and auditing
23 requirements.

24 (g) The business agrees in writing to submit to the board the report required
25 under sub. (3) by the time required under sub. (3).

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1 (h) The business provides matching funds at least equal to the amount of the
2 grant. The board may waive the requirement under this paragraph if the board
3 determines that the business is subject to extreme financial hardship.

4 (2) (a) The board may not award a business more than \$20,000 in grants under
5 this section.

6 (b) Annually, each district board shall submit to the board a list of the types of
7 businesses that the district board believes, based upon regional need, should be
8 given preference in the granting of awards. The board shall give preference to those
9 types of businesses designated by the district boards in awarding grants under this
10 section.

11 (c) A grant under this section may not be used for any of the following:

12 1. To pay more than 80 percent of the cost of any skills training or other
13 education related to the needs of the recipient business that is provided to the owner
14 of the business, the owner's spouse, or a child of the owner.

15 2. To pay wages or compensate for lost revenue, if any, in connection with
16 providing the training or other education, or otherwise.

17 (3) A business that receives a grant under this section shall submit to the
18 board, within 6 months after spending the full amount of the grant proceeds, a report
19 detailing how the grant proceeds were used.

20 (4) The board shall promulgate rules to implement and administer this section.

21 *-1510/2.7* SECTION 725. 38.50 (11) of the statutes is created to read:

22 38.50 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS. (a) In this subsection:

23 *b0093/1.8* 1. "Association" means the Wisconsin Association of Independent
24 Colleges and Universities or a successor organization.

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1 2. Notwithstanding sub. (1) (e), "school" has the meaning given in sub. (1) (e)
2 (intro.) and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

3 3. "Student record" means, in the case of a school, as defined in sub. (1) (e)
4 (intro.), a transcript for a student or former student of a school showing the name of
5 the student, the title of the program in which the student was or is enrolled, the total
6 number of credits or hours of instruction completed by the student, the dates of
7 enrollment, the grade for each course, lesson, or unit of instruction completed by the
8 student, the student's cumulative grade for the program, and an explanation of the
9 school's credit and grading system. In the case of a school described in sub. (1) (e) 1.,
10 6., 7., or 8., "student record" means a transcript for a student or former student of the
11 school showing such information about the academic work completed by the student
12 or former student as is customarily maintained by the school.

13 (b) 1. If a school operating in this state discontinues its operations, proposes to
14 discontinue its operations, or is in imminent danger of discontinuing its operations
15 as determined by the board, if the student records of the school are not taken into
16 possession under subd. 2., and if the board determines that the student records of the
17 school are in danger of being destroyed, secreted, mislaid, or otherwise made
18 unavailable to the persons who are the subjects of those student records or the
19 authorized representatives of those persons, the board may take possession of those
20 student records.

21 2. If a school operating in this state that is a member of the association
22 discontinues its operations, proposes to discontinue its operations, or is in imminent
23 danger of discontinuing its operations as determined by the association and if the
24 association determines that the student records of the school are in danger of being
25 destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are

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1 the subjects of those student records or the authorized representatives of those
2 persons, the association shall take possession of those student records.

3 (c) If necessary to protect student records from being destroyed, secreted,
4 mislaid, or otherwise made unavailable to the persons who are the subjects of those
5 student records or the authorized representatives of those persons, the board or
6 association may seek a court order authorizing the board or association to take
7 possession of those student records.

8 (d) The board or association shall preserve a student record that comes into the
9 possession of the board or association under par. (b) 1. or 2. and shall keep the student
10 record confidential as provided under 20 USC 1232g and 34 CFR part 99. A student
11 record in the possession of the board is not open to public inspection or copying under
12 s. 19.35 (1). Upon request of the person who is the subject of a student record or an
13 authorized representative of that person, the board or association shall provide a
14 copy of the student record to the requester. The board or association may charge a
15 fee for providing a copy of a student record. The fee shall be based on the
16 administrative cost of taking possession of, preserving, and providing the copy of the
17 student record. All fees collected by the board under this paragraph shall be credited
18 to the appropriation account under s. 20.292 (2) (i).

19 ***b0259/1.2* SECTION 725m.** 39.374 (2) of the statutes is amended to read:

20 39.374 (2) ~~There is created a separate nonlapsible trust fund designated the~~
21 ~~Wisconsin health education loan repayment fund consisting of all~~ All revenues
22 received in repayment of loans funded under this section or loans financed from
23 moneys made available under chapter 20, laws of 1981, section 2022 (1). ~~The board~~
24 ~~may pledge revenues received or to be received by the fund to secure revenue~~
25 ~~obligations issued under this section, and shall have all other powers necessary and~~

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1 ~~convenient to distribute the proceeds of the revenue obligations and loan repayments~~
2 ~~in accordance with subch. II of ch. 18, shall be deposited in the general fund.~~

3 *~~1803/1.2~~* SECTION 727. 39.435 (7) (a) 1. of the statutes is amended to read:

4 39.435 (7) (a) 1. For purposes of ~~determining the appropriation~~ calculating the
5 amount to be appropriated under s. 20.235 (1) (fe) for fiscal year 2005-06 ~~2007-08~~,
6 "base amount" means the amount shown in the schedule under s. 20.005 for that
7 appropriation for fiscal year 2004-05 ~~2006-07~~.

8 *b0258/2.3* SECTION 728d. 39.435 (7) (a) 2. of the statutes is amended to read:

9 39.435 (7) (a) 2. For purposes of ~~determining the appropriation~~ calculating the
10 amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year
11 2005-06 ~~2007-08~~, "base amount" means the ~~maximum~~ appropriation amount
12 ~~determined~~ calculated under par. (b) for the previous fiscal year.

13 *b0258/2.3* SECTION 729d. 39.435 (7) (b) (intro.) of the statutes is amended
14 to read:

15 39.435 (7) (b) (intro.) ~~Annually~~ Biennially, beginning on February 1, 2005 ~~2007~~,
16 the board shall ~~determine the appropriation~~ calculate the amounts to be
17 appropriated under s. 20.235 (1) (fe) for the next ~~fiscal year~~ biennium as follows:

18 *b0258/2.3* SECTION 729f. 39.435 (7) (b) 1. of the statutes is amended to read:

19 39.435 (7) (b) 1. The board shall determine the percentage by which the
20 undergraduate academic fees that will be charged for the current next academic year
21 at each institution within the University of Wisconsin System ~~has increased or~~
22 ~~decreased, as estimated by the board, will increase or decrease~~ from the
23 undergraduate academic fees charged for the ~~previous~~ current academic year.

24

25 *b0258/2.3* SECTION 729h. 39.435 (7) (b) 1m. of the statutes is created to read:

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1 39.435 (7) (b) 1m. The board shall determine the percentage by which the
2 undergraduate academic fees that will be charged for the academic year after the
3 next academic year at each institution within the University of Wisconsin System,
4 as estimated by the board, will increase or decrease from the estimated
5 undergraduate academic fees that will be charged for the next academic year.

6 ***b0258/2.3* SECTION 729j.** 39.435 (7) (b) 2. of the statutes is amended to read:

7 39.435 (7) (b) 2. The appropriation for the next first fiscal year of the next
8 biennium shall be the result obtained by increasing, to the nearest \$100, the base
9 amount by the highest average of the percentage increase increases determined
10 under subd. 1., except that, if the undergraduate academic fees for the current next
11 academic year decreased or did are estimated to decrease or not change from the
12 undergraduate academic fees charged for the previous current academic year at each
13 institution specified in subd. 1., the appropriation shall be the base amount.

14 ***b0258/2.3* SECTION 729k.** 39.435 (7) (b) 2m. of the statutes is created to read:

15 39.435 (7) (b) 2m. The appropriation for the 2nd fiscal year of the next biennium
16 shall be the result obtained by increasing, to the nearest \$100, the base amount by
17 the average of the percentage increases determined under subd. 1m., except that, if
18 the undergraduate academic fees for the academic year after the next academic year
19 are estimated to decrease or not change from the estimated undergraduate academic
20 fees charged for the next academic year at each institution specified in subd. 1m., the
21 appropriation shall be the base amount.

22 ***-1861/2.3* SECTION 730.** 39.435 (8) of the statutes is amended to read:

23 39.435 (8) The board shall award grants under this section to University of
24 Wisconsin System students from the appropriations appropriation under s. 20.235
25 (1) (fe) and (ke).

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1 ***-0752/2.10* SECTION 731.** 39.76 (1) of the statutes is amended to read:

2 39.76 (1) STATE REPRESENTATION ON THE EDUCATION COMMISSION OF THE STATES.

3 There is created a 7-member delegation to represent the state of Wisconsin on the
4 education commission of the states. The delegation shall consist of the governor, the
5 state superintendent of public instruction, one senator and one representative to the
6 assembly selected as are the members of standing committees in their respective
7 houses, and 3 members appointed by the governor in compliance with s. 39.75 (3) (a)
8 who shall serve at the pleasure of the governor. The chairperson of the delegation
9 shall be designated by the governor from among its members. Members of the
10 delegation shall serve without compensation but shall be reimbursed for actual and
11 necessary expenses incurred in the performance of their duties from the
12 appropriation in s. 20.505 (4) ~~(ba)~~ (1) (ka). Annual commission membership dues
13 shall be paid from the appropriation in s. 20.505 (4) ~~(ba)~~ (1) (ka).

14 ***-0280/1.2* SECTION 737.** 40.03 (2) (b) of the statutes is amended to read:

15 40.03 (2) (b) Shall employ and select administrative, clerical or other
16 employees as required for the administration of this chapter and establish the
17 internal organization of the department, ~~but the department shall always maintain~~
18 ~~an office in Milwaukee.~~

19 ***b0273/2.7* SECTION 738p.** 40.05 (4) (bp) 3. c. of the statutes is repealed.

20 ***b0146/P3.3* SECTION 740m.** 41.11 (6) of the statutes is created to read:

21 41.11 (6) CERTAIN EXPENDITURES REQUIRED. From the appropriation under s.
22 20.380 (1) (b), (kg), or (w), the department shall expend the following amounts for the
23 following purposes:

24 (a) In each fiscal year, not less than \$125,000 to conduct or contract for
25 marketing activities related to sporting activities and events.

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1 (b) In each fiscal year, at least \$25,000 for state sponsorship of, and advertising
2 during, media broadcasts of the Milwaukee symphony.

3 (c) In each biennium, at least \$50,000 for grants to America's Black Holocaust
4 Museum in the city of Milwaukee.

5 (d) In each biennium, at least \$200,000 for grants to the Milwaukee Public
6 Museum for Native American exhibits and activities.

7 ***-1227/1.3* SECTION 741.** 41.17 (5) of the statutes is amended to read:

8 41.17 (5) FUNDING SOURCE. Subject to the 50% limitation under s. 20.380 (1) (b)
9 and the proportional expenditure requirements under s. 20.380 (1) (b) and (kg), the
10 department shall expend, from the appropriations under s. 20.380 (1) (b) ~~and~~, (kg),
11 and (v), at least \$1,130,000 in the aggregate in each fiscal year in joint effort
12 marketing funds under this section.

13 ***-1648/2.14* SECTION 743.** 44.53 (1) (fm) of the statutes is created to read:

14 44.53 (1) (fm) Conduct a program identical to that described in par. (f), but only
15 for American Indian individuals and groups. The program shall be funded from the
16 appropriation under s. 20.215 (1) (km).

17 ***-1648/2.15* SECTION 744.** 44.53 (2) (am) of the statutes is created to read:

18 44.53 (2) (am) Enter into contracts with American Indian individuals,
19 organizations and institutions and American Indian tribal governments for services
20 furthering the development of the arts and humanities.

21 ***-0325/1.2* SECTION 746.** 45.19 (1) of the statutes is amended to read:

22 45.19 (1) The department shall administer a program to coordinate the
23 provision of military honors funerals to deceased veterans by local units of member
24 organizations of the council on veterans programs and by members of the Wisconsin
25

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1 national guard activated under s. 21.11 (3). ~~From the appropriation under s. 20.485~~
2 ~~(2) (q), the department shall reimburse a local unit of a member organization of the~~
3 ~~council on veterans programs for the costs of providing a military honors funeral to~~
4 ~~a deceased veteran. The reimbursement may not exceed \$50 for each military honors~~
5 ~~funeral.~~

6 ***-0328/4.5* SECTION 747.** 45.25 (1) of the statutes is created to read:

7 45.25 (1) DEFINITIONS. In this section:

8 (a) "Institution of higher education" has the meaning given in 20 USC 1001 (a).

9 (b) "Median household income" means the median family income for the state,
10 as determined annually by the U.S. department of housing and urban development.

11 (c) "Part-time classroom study" means any of the following:

12 1. Enrollment in courses for which no more than 11 semester or the equivalent
13 trimester or quarter credits will be given upon satisfactory completion.

14 2. Enrollment in courses during a summer semester or session.

15 (d) "Tuition," when referring to the University of Wisconsin System, means
16 "academic fees," as described in s. 36.27 (1), and when referring to the technical
17 colleges, means "program fees," as described in s. 38.24 (1m) (a) and (b).

18 ***-0328/4.6* SECTION 748.** 45.25 (1g) of the statutes is repealed.

19 ***-0328/4.7* SECTION 749.** 45.25 (1m) of the statutes is renumbered 45.25 (1m)
20 (a) and amended to read:

21 45.25 (1m) (a) The department shall administer a tuition reimbursement
22 program for eligible veterans enrolling as undergraduates in any institution of
23 higher education, ~~as defined in s. 45.396 (1) (a),~~ in this state, enrolling in a school that
24 is approved under s. 45.35 (9m), enrolling in a proprietary school that is approved

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1 under s. 45.54, 38.50, enrolling in a public or private high school, or receiving a
2 waiver of nonresident tuition under s. 39.47.

***NOTE: This is reconciled s. 45.25 (1m) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0328, LRB-1510.

3 ***-0328/4.8* SECTION 750.** 45.25 (2) (intro.) (except 45.25 (2) (title)) of the
4 statutes is renumbered 45.25 (2) (a) (intro.).

5 ***-0328/4.9* SECTION 751.** 45.25 (2) (a) of the statutes is renumbered 45.25 (2)
6 (a) 1. and amended to read:

7 45.25 (2) (a) 1. The annual income of the veteran and his or her spouse does not
8 ~~exceed the amount under s. 45.396 (7) (a) exceed \$50,000 plus \$1,000 for each~~
9 dependent in excess of 2 dependents.

10 ***-0328/4.10* SECTION 752.** 45.25 (2) (c) of the statutes is renumbered 45.25 (2)
11 (a) 2. and amended to read:

12 45.25 (2) (a) 2. The veteran applies for the tuition reimbursement program for
13 courses begun within 10 years after separation from the service. This subdivision
14 does not apply to a veteran who is applying for reimbursement for up to 60 credits
15 of part-time classroom study courses.

16 ***-0328/4.11* SECTION 753.** 45.25 (2) (cm) of the statutes is created to read:

17 45.25 (2) (cm) A veteran is not eligible under this program if the veteran has
18 an undergraduate degree from any institution of higher education.

19 ***-0328/4.12* SECTION 754.** 45.25 (2) (d) of the statutes is renumbered 45.25 (2)
20 (a) 3.

21 ***-0328/4.13* SECTION 755.** 45.25 (2) (e) of the statutes is repealed.

22 ***-0328/4.14* SECTION 756.** 45.25 (3) (a) of the statutes is amended to read:

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1 45.25 (3) (a) ~~Except as provided in par. (am), a~~ A veteran who meets the
2 eligibility requirements under sub. (2), may be reimbursed upon satisfactory
3 completion of ~~a full-time~~ an undergraduate semester in any institution of higher
4 education, ~~as defined in s. 45.396 (1) (a), in this state, or upon satisfactory completion~~
5 of a course at any school that is approved under s. 45.35 (9m), any proprietary school
6 that is approved under s. 45.54, 38.50, any public or private high school, or any
7 institution from which the veteran receives a waiver of nonresident tuition under s.
8 39.47, ~~may be reimbursed an amount. Except as provided in sub. (5), the amount of~~
9 reimbursement may not to exceed the total cost of the veteran's tuition minus any
10 grants or scholarships that the veteran receives specifically for the payment of the
11 tuition, ~~or, if the tuition is for an undergraduate semester in any institution of higher~~
12 education, the standard cost of tuition for a state resident for an equivalent
13 undergraduate semester at the University of Wisconsin-Madison, whichever is less.
14 ~~Reimbursement is available only for tuition that is part of a curriculum that is~~
15 ~~relevant to a degree in a particular course of study at the institution.~~

****NOTE: This is reconciled s. 45.25 (3) (a). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0328, LRB-1510.

16 *-0328/4.15* SECTION 757. 45.25 (3) (am) of the statutes is repealed.

17 *-0328/4.16* SECTION 758. 45.25 (3) (b) 1. of the statutes is amended to read:

18 45.25 (3) (b) 1. Be completed and received by the department no later than 60
19 days after the completion of the semester or course. The department may accept an
20 application received more than 60 days after the completion of the semester or course
21 if the applicant shows good cause for the delayed receipt.

22 *-0328/4.17* SECTION 759. 45.25 (3) (c) of the statutes is amended to read:

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1 45.25 (3) (c) Reimbursement provided under this section shall be paid from the
2 appropriation under s. 20.485 (2) (tf). If the amount of funds applied for exceeds the
3 amount available under s. 20.485 (2) (tf), the department may reduce the
4 reimbursement percentage, except to disabled veterans who are eligible for 100
5 percent of tuition and fees under sub. (5), or deny applications for reimbursement
6 that would otherwise qualify under this section. In those cases, the department shall
7 determine the reimbursement percentage, except to disabled veterans who are
8 eligible for 100 percent of tuition and fees under sub. (5), and eligibility on the basis
9 of the dates on which applications for reimbursement were received.

10 *-0328/4.18* SECTION 760. 45.25 (3) (d) (intro.) of the statutes is amended to
11 read:

12 45.25 (3) (d) (intro.) Reimbursement of tuition and fees for a course may be
13 provided at an institution or school under par. (a) other than the one from which the
14 veteran is receiving his or her degree or certificate of graduation or course completion
15 if all of the following apply:

16 *-0328/4.19* SECTION 761. 45.25 (4) (a) of the statutes is renumbered 45.25 (4)
17 (a) (intro.) and amended to read:

18 45.25 (4) (a) (intro.) A ~~veteran is not eligible~~ veteran's eligibility for
19 reimbursement under sub. (2) ~~for more than 120 credits or 8 full semesters of~~
20 ~~full-time study at any institution of higher education, as defined in s. 45.396 (1) (a),~~
21 ~~in this state, 60 credits or 4 full semesters of full-time study at any institution of~~
22 ~~higher education, as defined in s. 45.396 (1) (a), in this state that offers a degree upon~~
23 ~~completion of 60 credits, or an equivalent amount of credits at a school that is~~
24 approved under s. 45.35 (9m), at a proprietary school that is approved under s. 45.54,

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1 38.50, at a public or private high school, or at an institution where he or she is
2 receiving a waiver of nonresident tuition under s. 39.47, is limited to the following:

***NOTE: This is reconciled s. 45.25 (4) (a) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0328, LRB-1510.

3 ***-0328/4.20* SECTION 762.** 45.25 (4) (a) 1. to 3. of the statutes are created to
4 read:

5 45.25 (4) (a) 1. If the veteran served on active duty, except service on active duty
6 for training purposes, for 90 to 180 days, the veteran may be reimbursed for a
7 maximum of 30 credits or 2 semesters, or an equivalent amount of credits or
8 semesters if at a school other than an institution of higher education.

9 2. If the veteran served on active duty, except service on active duty for training
10 purposes, for 181 to 730 days, the veteran may be reimbursed for a maximum of 60
11 credits or 4 semesters, or an equivalent amount of credits or semesters if at a school
12 other than an institution of higher education.

13 3. If the veteran served on active duty, except service on active duty for training
14 purposes, for more than 730 days, the veteran may be reimbursed for a maximum
15 of 120 credits or 8 semesters, or an equivalent amount of credits or semesters if at
16 a school other than an institution of higher education.

17 ***-0328/4.21* SECTION 763.** 45.25 (4) (c) of the statutes is amended to read:

18 45.25 (4) (c) A veteran may not receive reimbursement under sub. (2) for any
19 semester in which he or she is eligible for or received a grant under s. 21.49 or 45.396
20 under 10 USC 2007.

21 ***b0212/1.2* SECTION 763g.** 45.25 (4) (d) of the statutes is created to read:

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1 45.25 (4) (d) A veteran may not receive reimbursement under sub. (2) for any
2 semester in which the veteran fails to receive at least a 2.0 grade point average or
3 an average grade of “C”.

4 ***b0212/1.2* SECTION 763m.** 45.25 (6) of the statutes is created to read:

5 45.25 (6) REPORTING REQUIREMENTS. The department shall promulgate a rule
6 that establishes the number of days after the commencement of an academic term
7 that begins after December 31, 2006, by which a veteran who will be seeking
8 reimbursement under this section must provide to the department with all of the
9 following information:

10 (a) The veteran’s name.

11 (b) The educational institution the veteran is attending.

12 (c) Whether the veteran is enrolled full-time or part-time at the educational
13 institution.

14 (d) An estimate of the amount of tuition reimbursement that the veteran will
15 claim at the end of the academic term.

16 ***-0329/3.3* SECTION 764.** 45.348 (title) and (1) (intro.) of the statutes are
17 amended to read:

18 **45.348 (title) Dependent and child care defined for ss. 45.35, ~~45.351~~, and**
19 **45.356. (1) (intro.)** In this section and ss. 45.35, ~~45.351~~, and 45.356 unless otherwise
20 modified, “child” means any natural child, any legally adopted child, any stepchild
21 or child if a member of the veteran’s household, or any nonmarital child if the veteran
22 acknowledges paternity or paternity has been otherwise established.

23 ***-0329/3.4* SECTION 765.** 45.348 (2) (a) (intro.) of the statutes is amended to
24 read:

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1 45.348 (2) (a) (intro.) In ss. s. 45.35 and ~~45.351~~, "dependent" includes any of the
2 following:

3 *~~0328/4.24~~* SECTION 768. 45.35 (8) (b) 4. of the statutes is repealed.

4 *~~0322/1.1~~* SECTION 769. 45.35 (14) (h) of the statutes is amended to read:

5 45.35 (14) (h) To provide grants to the governing bodies of federally recognized
6 American Indian tribes and bands from the appropriation under s. 20.485 (2) (~~vz~~)
7 (km) if that governing body enters into an agreement with the department regarding
8 the creation, goals and objectives of a tribal veterans' service officer, appoints a
9 veteran to act as a tribal veterans' service officer and gives that veteran duties
10 similar to the duties described in s. 45.43 (5), except that the veteran shall report to
11 the governing body of the tribe or band. The department may make annual grants
12 of up to \$2,500 \$8,500 under this paragraph and shall promulgate rules to
13 implement this paragraph.

14 *b0209/1.6* SECTION 769m. 45.35 (14) (m) of the statutes is created to read:

15 45.35 (14) (m) To provide verification to the educational institution of the
16 information required under s. 36.27 (3n) (a) or 38.24 (7) (a).
stay

17 *b0209/1.7* SECTION 769n. 45.35 (14) (L) of the statutes is created to read:

18 45.35 (14) (L) To provide verification to the educational institution of the
19 information required under s. 36.27 (3p) (a) or 38.24 (8) (a).

20 *b0213/2.2* SECTION 769g. 45.35 (14) (j) of the statutes is created to read:
stay

21 45.35 (14) (j) To provide grants to eligible persons who administer a program
22 to identify, train, and place volunteers at the community level who will assist
23 national guard members, members of the U.S. armed forces or forces incorporated
24 in the U.S. armed forces, and their spouses and dependents, who return to this state
25 after serving on active duty. The department shall make available to the volunteers,

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SECTION 769g

1 veterans, and their spouses and dependents, a packet of information about the
2 benefits that they may be eligible to receive from the state or federal government.

3 This paragraph does not apply after June 30, 2007.

5+4/5 *b0214/1.2* SECTION 769m. 45.35 (14) (k) of the statutes is created to read:

5 45.35 (14) (k) To provide \$117,300 in 2005–06 and \$117,300 in 2006–07 to a
6 housing authority in a 1st class city in a county with a population of at least 500,000
7 to supplement the housing costs of chronically homeless veterans and their families
8 if the housing authority does all of the following:

9 1. Provides evidence that the money will be used to provide multi-family
10 housing for individuals and families that contain at least one veteran who has been
11 chronically homeless.

12 2. Uses at least 50 percent of the money for supplementing temporary privately
13 owned rental housing costs and the remainder for subsidizing public rental housing
14 costs.

15 3. In coordination with the department, submits reports to the legislature
16 under s. 13.172 (2) and to the governor by August 15, 2006, and August 15, 2007, that
17 contain the following information related to the money received in the previous fiscal
18 year:

19 a. The number of veterans that received a housing supplement.

20 b. The size of the veterans' households.

21 c. The amount of the supplement and time that the supplement was provided
22 to each veteran's household.

23 d. The housing status of the assisted veteran's household at the time the
24 supplement ended.

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SECTION 769m

1 e. Any other information that the department considers necessary to evaluate
2 the program.

3 ***b0349/2.2* SECTION 769e.** 45.35 (14) (n) of the statutes is created to read:

4 45.35 (14) (n) To provide verification to the department of revenue of the
5 information required under s. 71.07 (6e) (a) 2. or 3.

6 ***-0329/3.5* SECTION 770.** 45.35 (17) (c) 1m. (intro.) of the statutes is amended
7 to read:

8 45.35 (17) (c) 1m. (intro.) The department shall declare immediately due and
9 payable any loan made after July 29, 1979 under a program administered by the
10 department under ~~s. 45.351~~ or subch. II, if it finds that the loan was granted to an
11 ineligible person due to any of the following circumstances:

12 ***-0329/3.6* SECTION 771.** 45.35 (17) (c) 2. (intro.) of the statutes is amended
13 to read:

14 45.35 (17) (c) 2. (intro.) Loan application forms processed by the department
15 for programs administered under ~~s. 45.351~~ or subch. II shall:

16 ***-0329/3.7* SECTION 772.** 45.35 (17) (c) 3. of the statutes is amended to read:

17 45.35 (17) (c) 3. The department shall incorporate the payment acceleration
18 requirements of subd. 1m. in all loan documents for programs administered by the
19 department under ~~s. 45.351~~ or subch. II.

20 ***-0329/3.8* SECTION 773.** 45.351 of the statutes is repealed and recreated to
21 read:

22 **45.351 Assistance to needy veterans. (1) SUBSISTENCE AID.** (a) The
23 department may provide subsistence payments to a veteran on a month-to-month
24 basis or for a 3-month period. The department may pay subsistence aid for a
25 3-month period if the veteran will be incapacitated for more than 3 months and if

ASSEMBLY BILL 100**SECTION 773**

1 earned or unearned income or aid from sources other than those listed in the
2 application will not be available in the 3-month period. The department may provide
3 subsistence payments only to a veteran who has suffered a loss of income due to
4 illness, injury, or natural disaster. The department may grant subsistence aid under
5 this subsection to a veteran whose loss of income is the result of abuse of alcohol or
6 other drugs only if the veteran is participating in an alcohol and other drug abuse
7 treatment program that is approved by the department. No payment may be made
8 under this subsection if the veteran has other assets or income available to meet
9 basic subsistence needs or if the veteran is eligible to receive aid from other sources
10 to meet those needs.

11 (b) The maximum amount that any veteran may receive under this subsection
12 per occurrence during a consecutive 12-month period may not exceed \$2,000.

13 (2) HEALTH CARE. (a) The department may provide health care aid to a veteran
14 for dental care, including dentures; vision care, including eyeglass frames and
15 lenses; and hearing care, including hearing aids.

16 (b) The maximum amount that may be paid under this subsection for any
17 consecutive 12-month period may not exceed \$2,500 for dental care, \$500 for vision
18 care, and \$1,500 per ear for hearing care.

19 (c) The department may not provide health care aid under this subsection
20 unless the aid recipient's health care provider agrees to accept, as full payment for
21 the health care provided, the amount of the payment, the amount of the recipient's
22 health insurance or other 3rd-party payments, if any, and the amount that the
23 department determines the veteran is capable of paying. The department may not
24 pay health care aid under this subsection if the liquid assets of the veteran are in
25 excess of \$1,000.

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SECTION 773

1 ***b0210/1.5* (2m)** DEPENDENTS ELIGIBILITY. (a) The unremarried spouse and
2 dependent children of a veteran who died while on active service in the U.S. armed
3 forces or forces incorporated in the U.S. armed forces are eligible to receive payments
4 under subs. (1) and (2) if the household income of those persons does not exceed the
5 income limitations established under sub. (3m).

6 (b) The spouse and dependent children of a member of the U.S. armed forces
7 or of the Wisconsin national guard who has been activated or deployed to serve in the
8 U.S. armed forces who are residents of this state, who have suffered a loss of income
9 due to that activation or deployment, and who experience an economic emergency
10 during the member's activation or deployment are eligible to receive assistance
11 under subs. (1) and (2).

12 **(3) LIMITATIONS.** The total cumulative amount that any veteran may receive
13 under this section may not exceed \$5,000.

14 ***b0210/1.6* (3m) RULES.** The department shall promulgate rules establishing
15 eligibility criteria and household income limits for payments under subs. (1), (2), and
16 (2m).

17 **(4) APPROPRIATIONS.** The department may make payments under this section
18 from the appropriation in s. 20.485 (2) (vm). Nothing in this section empowers the
19 department to incur any state debt.

20 **(5) JOINT FINANCE SUPPLEMENTAL FUNDING.** The department may submit a
21 request to the joint committee on finance for supplemental funds from the veterans
22 trust fund to be credited to the appropriation account under s. 20.485 (2) (vm) to
23 provide payments under this section. The joint committee on finance may, from the
24 appropriation under s. 20.865 (4) (u), supplement the appropriation under s. 20.485
25 (2) (vm) in an amount equal to the amount that the department expects to expend

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SECTION 773

1 under this section. If the cochairpersons of the committee do not notify the
2 department that the committee has scheduled a meeting for the purpose of reviewing
3 the request for a supplement within 14 working days after the date of the
4 department's notification, the supplement to the appropriation is approved. If,
5 within 14 working days after the date of the department's notification, the
6 cochairpersons of the committee notify the department that the committee has
7 scheduled a meeting for the purpose of reviewing the proposed supplement, the
8 supplement may occur only upon approval of the committee.

9 ***-0324/3.1*** SECTION 774. 45.356 (2) of the statutes is amended to read:

10 45.356 (2) The department may lend a veteran, a veteran's unremarried
11 surviving spouse, or a deceased veteran's child not more than \$25,000 or a lesser
12 amount established by the department under sub. (10). The department may
13 prescribe loan conditions, but the term of the loan may not exceed 10 years, or a
14 shorter term established by the department under sub. (13). The department shall
15 ensure that the proceeds of any loan made under this section shall first be applied
16 to pay any delinquent child support or maintenance payments and then to pay any
17 past support, medical expenses, or birth expenses.

18 ***-0324/3.2*** SECTION 775. 45.356 (13) of the statutes is created to read:

19 45.356 (13) Subject to the limit established in sub. (2), the department may
20 periodically adjust the maximum term limits for loans based upon financial market
21 conditions, funds available, needs of the veterans trust fund, or other factors that the
22 department considers relevant.

23 ***b0333/2.14*** SECTION 775m. 45.365 (2m) (a) of the statutes is amended to
24 read:

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SECTION 775m

1 45.365 (2m) (a) The department may enter into agreements for furnishing and
2 charging for water and sewer service from facilities constructed at and for the home
3 to public and private properties lying in the immediate vicinity of the home.

4 *-0326/1.1* SECTION 776. 45.37 (4) (b) of the statutes is amended to read:

5 45.37 (4) (b) *Basis for eligibility of nonveterans.* Spouses, surviving spouses
6 and parents derive their eligibility from the eligibility of the veteran upon whose
7 service it is based. Surviving spouses and parents of eligible veterans shall not be
8 eligible for admission at a southeastern facility unless the facility's overall occupancy
9 level is below an optimal level as determined by the board. Surviving spouses and
10 parents of eligible veterans shall not be eligible for admission at the home except for
11 those admitted to the home prior to May 5, 1976, or unless the home's overall
12 occupancy level is below an optimal level as determined by the board.

13 *-0326/1.2* SECTION 777. 45.37 (4) (c) 1m. c. of the statutes is amended to read:

14 45.37 (4) (c) 1m. c. Surviving spouses of eligible veterans shall be given 3rd
15 priority ~~for admission to the home.~~

16 *-0326/1.3* SECTION 778. 45.37 (4) (c) 1m. d. of the statutes is amended to read:

17 45.37 (4) (c) 1m. d. Parents of eligible veterans shall be given 4th priority ~~for~~
18 ~~admission to the home.~~

19 *-1513/4.6* SECTION 779. 45.37 (10) (c) of the statutes is amended to read:

20 45.37 (10) (c) The Except where a sale occurs under s. 16.848, the department
21 may manage, sell, lease or transfer property descending to the state pursuant to this
22 section or conveyed to it by members, defend and prosecute all actions concerning it,
23 pay all just claims against it, and do all other things necessary for the protection,
24 preservation and management of such property. All expenditures necessary for the

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SECTION 779

1 execution of functions under this paragraph or sub. (11) shall be made from the
2 appropriation in s. 20.485 (1) (h).

3 ***-1513/4.7* SECTION 780.** 45.38 (2) (a) 1. of the statutes is amended to read:

4 45.38 (2) (a) 1. Without limitation by reason of any other provisions of the
5 statutes except s. 16.848, the power to sell and to convey title in fee simple to a
6 nonprofit corporation any land and any existing buildings thereon owned by, or
7 owned by the state and held for, the department or of any of the institutions under
8 the jurisdiction of the department for such consideration and upon such terms and
9 conditions as in the judgment of the board are in the public interest.

10 ***-0328/4.25* SECTION 781.** 45.396 (title) of the statutes is repealed.

11 ***-0328/4.26* SECTION 782.** 45.396 (1) of the statutes is repealed.

12 ***-0328/4.27* SECTION 783.** 45.396 (2) of the statutes is repealed.

13 ***-0328/4.28* SECTION 784.** 45.396 (3) of the statutes is renumbered 45.25 (1m)
14 (b), and 45.25 (1m) (b) (intro.) and 1., as renumbered, are amended to read:

15 45.25 (1m) (b) (intro.) A veteran who is a resident of this state and otherwise
16 qualified to receive benefits under this section may receive the benefits under this
17 section upon the completion of any correspondence courses or part-time classroom
18 study from an institution of higher education located outside this state, from a school
19 that is approved under s. 45.35 (9m), or from a proprietary school that is approved
20 under s. 45.54 38.50, if any of the following applies:

****NOTE: This is reconciled s. 45.25 (1m) (b) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-0328, LRB-1510.

21 1. The part-time classroom study is not offered within 50 miles of the veteran's
22 residence by any school or institution under ~~sub. (2)~~ par. (a) and the educational

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1 institution from which the study is offered is located not more than 50 miles from the
2 boundary line of this state.

3 *-0328/4.29* SECTION 785. 45.396 (4) of the statutes is repealed.

4 *-0328/4.30* SECTION 786. 45.396 (5) of the statutes is repealed.

5 *-0328/4.31* SECTION 787. 45.396 (5m) of the statutes is repealed.

6 *-0328/4.32* SECTION 788. 45.396 (6) of the statutes is repealed.

7 *-0328/4.33* SECTION 789. 45.396 (7) (a) of the statutes is repealed.

8 *-0328/4.34* SECTION 790. 45.396 (7) (b) of the statutes is renumbered 45.25
9 (2) (bm).

10 *-0328/4.35* SECTION 791. 45.396 (8) of the statutes is repealed.

11 *-0328/4.36* SECTION 792. 45.396 (9) of the statutes is renumbered 45.25 (5)
12 and amended to read:

13 45.25 (5) DISABLED VETERAN ELIGIBILITY. A disabled veteran who meets the
14 requirements under this section and whose disability is rated at 30% or more under
15 38 USC 1114 or 1134 may be reimbursed for up to 100% of the cost of tuition and fees,
16 but that reimbursement is limited to 100% of the standard cost for a state resident
17 for tuition and fees for an equivalent undergraduate course at the University of
18 Wisconsin-Madison per course and ~~may not be provided to an individual more than~~
19 ~~4 times during any consecutive 12-month period if the tuition and fees are for an~~
20 undergraduate semester in any institution of higher education.

21 *-1510/2.8* SECTION 793. 45.397 (2) (a) of the statutes is amended to read:

22 45.397 (2) (a) The veteran is enrolled in a training course in a technical college
23 under ch. 38 or in a proprietary school in the state approved by the educational
24 approval board under s. 45.54 38.50, other than a proprietary school offering a

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SECTION 793

1 4-year degree or 4-year program, or is engaged in a structured on-the-job training
2 program that meets program requirements promulgated by the department by rule.

3 ***-0328/4.37* SECTION 794.** 45.397 (2) (cm) of the statutes is amended to read:

4 45.397 (2) (cm) The veteran requesting a grant has not received
5 reimbursement under s. 45.25 or ~~45.396~~ for courses completed during the same
6 semester for which a grant would be received under this section.

7 ***-1510/2.9* SECTION 796.** 45.54 (title) of the statutes is renumbered 38.50
8 (title).

9 ***-1510/2.10* SECTION 797.** 45.54 (1) (intro.) of the statutes is renumbered
10 38.50 (1) (intro.).

11 ***-1510/2.11* SECTION 798.** 45.54 (1) (a) of the statutes is renumbered 38.50 (1)
12 (a) and amended to read:

13 38.50 (1) (a) "Board" Notwithstanding s. 38.01 (2), "board" means the
14 educational approval board.

15 ***-1510/2.12* SECTION 799.** 45.54 (1) (b) of the statutes is renumbered 38.50 (1)
16 (b).

17 ***-1510/2.13* SECTION 800.** 45.54 (1) (c) of the statutes is renumbered 38.50 (1)
18 (c).

19 ***-1510/2.14* SECTION 801.** 45.54 (1) (d) of the statutes is renumbered 38.50 (1)
20 (d).

21 ***-1510/2.15* SECTION 802.** 45.54 (1) (e) of the statutes is renumbered 38.50 (1)
22 (e).

23 ***-1510/2.16* SECTION 803.** 45.54 (1) (f) of the statutes is renumbered 38.50 (1)
24 (f).
25

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SECTION 804

1 ***-1510/2.17*** SECTION 804. 45.54 (1) (g) of the statutes is renumbered 38.50 (1)
2 (g).

3 ***-1510/2.18*** SECTION 805. 45.54 (2) of the statutes is renumbered 38.50 (2).

4 ***-1510/2.19*** SECTION 806. 45.54 (3) of the statutes is renumbered 38.50 (3).

5 ***-1510/2.20*** SECTION 807. 45.54 (5) of the statutes is renumbered 38.50 (5)
6 and amended to read:

7 38.50 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform
8 the duties of an executive secretary and any other persons under the classified
9 service that may be necessary to carry out the board's purpose. The person
10 performing the duties of the executive secretary shall be in charge of the
11 administrative functions of the board. The board shall, to the maximum extent
12 practicable, keep its office with the ~~department~~ technical college system board.

13 ***-1510/2.21*** SECTION 808. 45.54 (7) of the statutes is renumbered 38.50 (7).

14 ***-1510/2.22*** SECTION 809. 45.54 (8) of the statutes is renumbered 38.50 (8).

15 ***-1510/2.23*** SECTION 810. 45.54 (10) (title) of the statutes is renumbered
16 38.50 (10) (title).

17 ***-1510/2.24*** SECTION 811. 45.54 (10) (a) of the statutes is renumbered 38.50
18 (10) (a) and amended to read:

19 38.50 (10) (a) *Authority*. All proprietary schools shall be examined and
20 approved by the board before operating in this state. Approval shall be granted to
21 schools meeting the criteria established by the board for a period not to exceed one
22 year. No school may advertise in this state unless approved by the board. All
23 approved schools shall submit quarterly reports, including information on
24 enrollment, number of teachers and their qualifications, course offerings, number of
25 graduates, number of graduates successfully employed, and such other information

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SECTION 811

1 as the board deems necessary. If a school closure results in losses to students,
2 parents, or sponsors, the board may authorize the full or partial payment of those
3 losses from the appropriation under s. ~~20.485 (5)~~ 20.292 (2) (gm).

4 *~~1510/2.25~~* SECTION 812. 45.54 (10) (b) of the statutes is renumbered 38.50
5 (10) (b).

6 *~~1510/2.26~~* SECTION 813. 45.54 (10) (c) of the statutes is renumbered 38.50
7 (10) (c).

8 *~~1510/2.27~~* SECTION 814. 45.54 (10) (cm) of the statutes is renumbered 38.50
9 (10) (cm).

10 *~~1510/2.28~~* SECTION 815. 45.54 (10) (d) of the statutes is renumbered 38.50
11 (10) (d).

12 *~~1510/2.29~~* SECTION 816. 45.54 (10) (e) of the statutes is renumbered 38.50
13 (10) (e).

14 *~~0321/2.1~~* SECTION 817. 45.71 (8) of the statutes is amended to read:

15 45.71 (8) “Home” means a building or portion thereof used as ~~the veteran’s~~
16 ~~principal place of~~ by the veteran as a residence, and includes condominiums and
17 income-producing property, a portion of which is so occupied by the veteran, and the
18 land, including existing improvements, appertaining to such a building.

19 *~~0321/2.2~~* SECTION 818. 45.71 (12) (a) of the statutes is amended to read:

20 45.71 (12) (a) Is used as ~~the veteran’s principal place of~~ by the veteran as a
21 residence; and

22 *~~0321/2.3~~* SECTION 819. 45.71 (15) of the statutes is created to read:

23 45.71 (15) “Qualified veterans’ mortgage bonds” means federally tax-exempt
24 bonds issued under the authority of 26 USC 143.

25 *~~0321/2.4~~* SECTION 820. 45.71 (16) (d) of the statutes is created to read:

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SECTION 820

1 45.71 (16) (d) Any person who has completed 6 continuous years of service
2 under honorable conditions in the army or air national guard or in any reserve
3 component of the U.S. armed forces, and who is living in this state at the time of his
4 or her application for benefits, shall be considered a veteran under this subchapter.

5 *-0321/2.5* SECTION 821. 45.76 (1) (c) of the statutes is amended to read:

6 45.76 (1) (c) *Home improvements.* A loan of not more than \$25,000 to improve
7 a home, including the construction of a garage or the removal or other alteration of
8 existing improvements that were made to improve the accessibility of a home for a
9 disabled individual.

10 *-0321/2.6* SECTION 822. 45.76 (1) (d) of the statutes is repealed and recreated
11 to read:

12 45.76 (1) (d) *Refinancing.* Refinancing the balance due on an indebtedness that
13 was incurred for a use designated in pars. (a) to (c).

14 *-0321/2.7* SECTION 823. 45.76 (3) (b) 1. of the statutes is amended to read:

15 45.76 (3) (b) 1. The residence property to be purchased, constructed, improved
16 or refinanced with financial assistance under this subchapter will be used as ~~the~~
17 person's principal by the person as a residence.

18 *-0321/2.8* SECTION 824. 45.76 (4) of the statutes is created to read:

19 45.76 (4) QUALIFIED VETERANS' MORTGAGE BONDS. If the source of the funding for
20 a loan under this subchapter is the proceeds of a qualified veterans' mortgage bond,
21 the department shall apply any applicable requirements of the Internal Revenue
22 Code in determining a person's eligibility for a loan to assure that the bonds are
23 exempt from federal tax.

24 *-1513/4.8* SECTION 827. 46.03 (30) (a) of the statutes is amended to read:

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SECTION 827

1 46.03 (30) (a) To provide for an orderly reduction of state institutional primary
2 psychiatric services the department may approve the institutes entering into
3 contracts with county departments under s. 51.42 for providing primary psychiatric
4 care. If excess capacity exists at state operated mental health institutes, the
5 department shall, subject to s. 16.848, explore whether the possible sale or lease of
6 such excess facilities ~~may be sold or leased~~ to a county department under s. 51.42.

7 *-0295/2.2* SECTION 830. 46.034 (3) of the statutes is amended to read:

8 46.034 (3) With the agreement of the affected county board of supervisors in
9 a county with a single-county department or boards of supervisors in counties with
10 a multicounty department, effective for the contract period beginning January 1,
11 1980, the department may approve a county with a single-county department or
12 counties participating in a multicounty department to administer a single
13 consolidated aid consisting of the state and federal financial aid available to that
14 county or those counties from appropriations under s. 20.435 (3) (e) and (7) (b) and
15 (o) for services provided and purchased by county departments under ss. 46.215,
16 46.22, 46.23, 51.42, and 51.437. Under such an agreement, in the interest of
17 improved service coordination and effectiveness, the county board of supervisors in
18 a county with a single-county department or county boards of supervisors in
19 counties with a multicounty department may reallocate among county departments
20 under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 funds that otherwise would be
21 specified for use by a single county department. The budget under s. 46.031 (1) shall
22 be the vehicle for expressing the proposed use of the single consolidated fund by the
23 county board of supervisors in a county with a single-county department or county
24 boards of supervisors in counties with a multicounty department. Approval by the
25 department of this use of the fund shall be in the contract under s. 46.031 (2g).

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SECTION 830

1 Counties that were selected by the department to pilot test consolidated aids for
2 contract periods beginning January 1, 1978, may continue or terminate
3 consolidation with the agreement of the affected county board of supervisors in a
4 county with a single-county department or county boards of supervisors in counties
5 with a multicounty department.

6 *~~1513/4.9~~* SECTION 831. 46.035 (1) (a) of the statutes is amended to read:

7 46.035 (1) (a) The term "existing building" in relation to any conveyance, lease
8 or sublease made under sub. (2) (a) ~~1., 2. and 3., (b), and (c)~~ means all detention,
9 treatment, administrative, recreational, infirmary, hospital, vocational and
10 academic buildings; all dormitories and cottages; all storage facilities, heating
11 plants, sewage disposal plants, and such other buildings, structures, facilities and
12 permanent improvements as in the judgment of the secretary are needed or useful
13 for the purposes of the department, and all equipment therefor and all improvements
14 and additions thereto which were erected, constructed or installed prior to the
15 making of such conveyance, lease or sublease.

16 *~~1513/4.10~~* SECTION 832. 46.035 (1) (b) of the statutes is amended to read:

17 46.035 (1) (b) The term "new building" in relation to any conveyance, lease or
18 sublease made under sub. (2) (a) ~~1., 2. and 3., (b), and (c)~~ means all detention,
19 treatment, administrative, recreational, infirmary, hospital, vocational and
20 academic buildings; all dormitories and cottages; all storage facilities, heating
21 plants, sewage disposal plants, and such other buildings, structures, facilities and
22 permanent improvements as in the judgment of the secretary are needed or useful
23 for the purposes of the department, and all equipment therefor and all improvements
24 and additions thereto which are erected, constructed or installed after the making
25 of such conveyance, lease or sublease.

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SECTION 833

1 *~~1513/4.11~~* SECTION 833. 46.035 (2) (intro.) of the statutes is repealed.

2 *~~1513/4.12~~* SECTION 834. 46.035 (2) (a) of the statutes is renumbered 46.035
3 (2), and 46.035 (2) (intro.), (a) and (c) to (j), as renumbered, are amended to read:

4 46.035 (2) (intro.) In order to provide new buildings and to enable the
5 construction and financing thereof, to refinance indebtedness hereafter created by
6 a nonprofit corporation for the purpose of providing a new building or buildings or
7 additions or improvements thereto which are located on land owned by, or owned by
8 the state and held for, the department or on lands of the institutions under the
9 jurisdiction of the department or by the nonprofit corporation, or for any one or more
10 of said purposes, but for no other purpose unless authorized by law, the department
11 has, subject to s. 16.848, the following powers and duties:

12 (a) Without limitation by reason of any other provisions of the statutes except
13 s. 16.848, the power to sell and to convey title in fee simple to a nonprofit corporation
14 any land and any existing buildings thereon owned by, or owned by the state and held
15 for, the department or of any of the institutions under the jurisdiction of the
16 department for such consideration and upon such terms and conditions as in the
17 judgment of the secretary are in the public interest.

18 (c) The power to lease or sublease from such nonprofit corporation, and to make
19 available for public use, any such land and existing buildings conveyed or leased to
20 such nonprofit corporation under ~~subds. 1. and 2.~~ pars. (a) and (b), and any new
21 buildings erected upon such land or upon any other land owned by such nonprofit
22 corporation, upon such terms, conditions and rentals, subject to available
23 appropriations, as in the judgment of the secretary are in the public interest. With
24 respect to any property conveyed to such nonprofit corporation under ~~subd. 1.~~ par.

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1 (a), such lease from such nonprofit corporation may be subject or subordinated to one
2 or more mortgages of such property granted by such nonprofit corporation.

3 (d) The duty to submit the plans and specifications for all such new buildings
4 and all conveyances, leases and subleases made under this section subsection to the
5 department of administration and the governor for written approval before they are
6 finally adopted, executed and delivered.

7 (e) The power to pledge and assign all or any part of the revenues derived from
8 the operation of such new buildings as security for the payment of rentals due and
9 to become due under any lease or sublease of such new buildings under ~~subd. 3~~ par.
10 (c).

11 (f) The power to covenant and agree in any lease or sublease of such new
12 buildings made under ~~subd. 3~~ par. (c) to impose fees, rentals or other charges for the
13 use and occupancy or other operation of such new buildings in an amount calculated
14 to produce net revenues sufficient to pay the rentals due and to become due under
15 such lease or sublease.

16 (g) The power to apply all or any part of the revenues derived from the operation
17 of existing buildings to the payment of rentals due and to become due under any lease
18 or sublease made under ~~subd. 3~~ par. (c).

19 (h) The power to pledge and assign all or any part of the revenues derived from
20 the operation of existing buildings to the payment of rentals due and to become due
21 under any lease or sublease made under ~~subd. 3~~ par. (c).

22 (i) The power to covenant and agree in any lease or sublease made under ~~subd.~~
23 ~~3~~ par. (c) to impose fees, rentals or other charges for the use and occupancy or other
24 operation of existing buildings in an amount calculated to produce net revenues
25 sufficient to pay the rentals due and to become due under such lease or sublease.

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(j) The power and duty, upon receipt of notice of any assignment by any such nonprofit corporation of any lease or sublease made under ~~subd. 3, par. (c)~~, or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such nonprofit corporation.

***-1513/4.13* SECTION 835.** 46.035 (2) (b) of the statutes is renumbered 46.035 (3) and amended to read:

46.035 (3) The state shall be is liable for accrued rentals and for any other default under any lease or sublease made under ~~par. (a) 3, sub. (2) (c)~~, and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it ~~shall not be~~ is not necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

***-1513/4.14* SECTION 836.** 46.035 (2) (c) of the statutes is renumbered 46.035 (4).

***-1513/4.15* SECTION 837.** 46.035 (2) (d) of the statutes is repealed.

***-1513/4.16* SECTION 838.** 46.035 (2) (e) of the statutes is renumbered 46.035 (5) and amended to read:

46.035 (5) All laws, except s. 16.848 and ch. 150, ~~conflicting that conflict~~ with any provisions of this section, are, insofar as they conflict with this section and no further, superseded by this section.

***-0248/1.1* SECTION 839.** 46.057 (2) of the statutes is amended to read:

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1 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
2 department of corrections shall transfer to the appropriation account under s. 20.435
3 (2) (kx) \$1,379,300 in fiscal year 2003-04 2005-06 and \$1,379,300 in fiscal year
4 2004-05 2006-07 and, from the appropriation account under s. 20.410 (3) (hm), the
5 department of corrections shall transfer to the appropriation account under s. 20.435
6 (2) (kx) ~~\$2,086,700~~ \$2,271,200 in fiscal year 2003-04 2005-06 and ~~\$2,155,600~~
7 \$2,390,600 in fiscal year 2004-05 2006-07 for services for juveniles placed at the
8 Mendota juvenile treatment center. The department of health and family services
9 may charge the department of corrections not more than the actual cost of providing
10 those services.

11 *-1513/4.17* SECTION 840. 46.06 (intro.) of the statutes is created to read:

12 **46.06 Lands; condemnation, easements, leases, sales, purchases.**

13 (intro.) Subject to s. 16.848:

14 *-1513/4.18* SECTION 842. 46.09 (intro.) of the statutes is created to read:

15 **46.09 Purchases, bills, audits, payments.** (intro.) Subject to s. 16.848:

16 *-0084/3.2* SECTION 843. 46.10 (14) (a) of the statutes is amended to read:

17 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
18 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
19 under 18 years of age at community mental health centers, a county mental health
20 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
21 Mental Health Institute, and the Winnebago Mental Health Institute or care and
22 maintenance of persons under 18 years of age in residential, nonmedical facilities
23 such as group homes, foster homes, treatment foster homes, ~~child-caring institutions,~~
24 subsidized guardianship homes, residential care centers for children and youth, and
25 juvenile correctional institutions is determined in accordance with the cost-based

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1 fee established under s. 46.03 (18). The department shall bill the liable person up
2 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
3 3rd-party benefits, subject to rules that include formulas governing ability to pay
4 promulgated by the department under s. 46.03 (18). Any liability of the patient not
5 payable by any other person terminates when the patient reaches age 18, unless the
6 liable person has prevented payment by any act or omission.

7 ***-0084/3.3* SECTION 844.** 46.10 (14) (b) of the statutes is amended to read:

8 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
9 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
10 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
11 in a residential, nonmedical facility such as a group home, foster home, treatment
12 foster home, subsidized guardianship home, or residential care center for children
13 and youth shall be determined by the court by using the percentage standard
14 established by the department of workforce development under s. 49.22 (9) and by
15 applying the percentage standard in the manner established by the department
16 under s. 46.247.

17 ***-0311/3.1* SECTION 845.** 46.10 (16) of the statutes is amended to read:

18 46.10 (16) The department shall delegate to county departments under ss.
19 51.42 and 51.437 or the local providers of care and services meeting the standards
20 established by the department under s. 46.036, the responsibilities vested in the
21 department under this section for collection of patient fees for services other than
22 those provided at state facilities or those provided to children that are reimbursed
23 under a waiver under s. 46.27 (11), 46.275, ~~or~~, 46.278, or 46.2785 or a waiver
24 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
25 33, section 9124 (8c), if the county departments or providers meet the conditions that

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1 the department determines are appropriate. The department may delegate to
2 county departments under ss. 51.42 and 51.437 the responsibilities vested in the
3 department under this section for collection of patient fees for services provided at
4 the state facilities if the necessary conditions are met.

5 ***-0295/2.3* SECTION 849.** 46.215 (2) (c) 1. of the statutes is amended to read:

6 46.215 (2) (c) 1. A county department of social services shall develop, under the
7 requirements of s. 46.036, plans and contracts for care and services to be purchased,
8 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department
9 of health and family services may review the contracts and approve them if they are
10 consistent with s. 46.036 and if state or federal funds are available for such purposes.
11 The joint committee on finance may require the department of health and family
12 services to submit the contracts to the committee for review and approval. The
13 department of health and family services may not make any payments to a county
14 for programs included in a contract under review by the committee. The department
15 of health and family services shall reimburse each county for the contracts from the
16 appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o), as appropriate, under s.
17 46.495.

18 ***-0295/2.4* SECTION 850.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

19 46.22 (1) (e) 3. a. A county department of social services shall develop, under
20 the requirements of s. 46.036, plans and contracts for care and services, except under
21 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and
22 family services may review the contracts and approve them if they are consistent
23 with s. 46.036 and to the extent that state or federal funds are available for such
24 purposes. The joint committee on finance may require the department of health and
25 family services to submit the contracts to the committee for review and approval.

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1 The department of health and family services may not make any payments to a
2 county for programs included in the contract that is under review by the committee.
3 The department of health and family services shall reimburse each county for the
4 contracts from the appropriations under s. 20.435 (3) ~~(e)~~ and (7) (b) and (o) according
5 to s. 46.495.

6 ***-0084/3.4* SECTION 851.** 46.261 (1) (a) of the statutes is amended to read:

7 46.261 (1) (a) The child is living in a foster home or treatment foster home
8 licensed under s. 48.62 if a license is required under that section, in a foster home
9 or treatment foster home located within the boundaries of a federally recognized
10 American Indian reservation in this state and licensed by the tribal governing body
11 of the reservation, in a group home licensed under s. 48.625, in a subsidized
12 guardianship home under s. 48.62 (5), or in a residential care center for children and
13 youth licensed under s. 48.60, and has been placed in the foster home, treatment
14 foster home, group home, subsidized guardianship home, or center by a county
15 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
16 recognized American Indian tribal governing body in this state under an agreement
17 with a county department under s. 46.215, 46.22, or 46.23.

18 ***-0084/3.5* SECTION 852.** 46.261 (2) (a) 1. of the statutes is amended to read:

19 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
20 home or treatment foster home having a license under s. 48.62, in a foster home or
21 treatment foster home located within the boundaries of a federally recognized
22 American Indian reservation in this state and licensed by the tribal governing body
23 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
24 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
25 custodial parent who cares for the dependent child, regardless of the cause or

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1 prospective period of dependency. The state shall reimburse counties pursuant to the
2 procedure under s. 46.495 (2) and the percentage rate of participation set forth in s.
3 46.495 (1) (d) for aid granted under this section except that if the child does not have
4 legal settlement in the granting county, state reimbursement shall be at 100%. The
5 county department under s. 46.215 or 46.22 or the department under s. 48.48 (17)
6 shall determine the legal settlement of the child. A child under one year of age shall
7 be eligible for aid under this subsection irrespective of any other residence
8 requirement for eligibility within this section.

9 *–0084/3.6* SECTION 853. 46.261 (2) (a) 3. of the statutes is amended to read:

10 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
11 the department, when the child is placed in a licensed foster home, treatment foster
12 home, group home, or residential care center for children and youth or in a subsidized
13 guardianship home by a licensed child welfare agency or by a federally recognized
14 American Indian tribal governing body in this state or by its designee, if the child is
15 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
16 department under s. 48.48 (17) or if the child was removed from the home of a
17 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
18 continuance in the home of the relative would be contrary to the child's welfare for
19 any reason and the placement is made pursuant to an agreement with the county
20 department or the department.

21 *–0084/3.7* SECTION 854. 46.261 (2) (a) 4. of the statutes is amended to read:

22 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
23 or residential care center for children and youth or a subsidized guardianship home
24 when the child is in the custody or guardianship of the state, when the child is a ward
25 of an American Indian tribal court in this state and the placement is made under an

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1 agreement between the department and the tribal governing body, or when the child
2 was part of the state's direct service case load and was removed from the home of a
3 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
4 continuance in the home of a relative would be contrary to the child's welfare for any
5 reason and the child is placed by the department.

6 *~~0084/3.8~~* SECTION 855. 46.261 (2) (b) of the statutes is amended to read:

7 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
8 granted for placement of a child in a foster home or treatment foster home licensed
9 by a federally recognized American Indian tribal governing body, for placement of a
10 child in a foster home, treatment foster home, group home, subsidized guardianship
11 home, or residential care center for children and youth by a tribal governing body or
12 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
13 governing body is receiving or is eligible to receive funds from the federal government
14 for that type of placement ~~or for placement of a child in a group home licensed under~~
15 ~~s. 48.625.~~

16 *~~0311/3.2~~* SECTION 856. 46.27 (5) (i) of the statutes is amended to read:

17 46.27 (5) (i) In the instances in which an individual who is provided long-term
18 community support services under par. (b) for which the individual receives direct
19 funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve
20 as a fiscal agent for that individual for the purposes of performing the responsibilities
21 and protecting the interests of the individual under the unemployment insurance
22 law. The county department or aging unit may elect to act as a fiscal agent or contract
23 with a fiscal intermediary to serve as a fiscal agent for an individual who is provided
24 long-term support services under s. 46.275, 46.277, 46.278, 46.2785, 46.495, 51.42,
25 or 51.437. The fiscal agent under this paragraph is responsible for remitting any

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1 federal unemployment compensation taxes or state unemployment insurance
2 contributions owed by the individual, including any interest and penalties which are
3 owed by the individual; for serving as the representative of the individual in any
4 investigation, meeting, hearing or appeal involving ch. 108 or the federal
5 unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and
6 for receiving, reviewing, completing and returning all forms, reports and other
7 documents required under ch. 108 or the federal unemployment tax act on behalf of
8 the individual. An individual may make an informed, knowing and voluntary
9 election to waive the right to a fiscal agent. The waiver may be as to all or any portion
10 of the fiscal agent's responsibilities. The waiver may be rescinded in whole or in part
11 at any time.

12 ***-0311/3.3* SECTION 857.** 46.27 (6r) (a) of the statutes is amended to read:

13 46.27 (6r) (a) A person who is initially eligible for services under sub. (7) (b),
14 for whom home and community-based services are available under sub. (11) or s.
15 46.275, 46.277 ~~or~~, 46.278, or 46.2785 that require less total expenditure of state funds
16 than do comparable services under sub. (7) (b) and who is eligible for and offered the
17 home and community-based services under sub. (11) or s. 46.275, 46.277 ~~or~~, 46.278,
18 or 46.2785, but who declines the offer, except that a county may use funds received
19 under sub. (7) (b) to pay for long-term community support services for the person for
20 a period of up to 90 days during which an application for services under sub. (11) or
21 s. 46.275, 46.277 ~~or~~, 46.278, or 46.2785 for the person is processed.

22 ***-0311/3.4* SECTION 862.** 46.27 (11) (a) of the statutes is repealed.

23 ***b0244/1.1* SECTION 865m.** 46.275 (5) (b) 5. of the statutes is amended to read:

24 46.275 (5) (b) 5. Provide residential services in any community-based
25 residential facility, as defined in s. 50.01 (1g), or group home, as defined in s. 48.02

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SECTION 865m

(7) that has more than ~~4~~ 8 beds, ~~unless the department approves the provision of services in a community-based residential facility or group home that has 5 to 8 beds.~~

***-0344/3.31* SECTION 868.** 46.277 (1m) (ag) of the statutes is created to read:
46.277 (1m) (ag) "Delicensed" means deducted from the number of beds stated on a facility's license, as specified under s. 50.03 (4) (e).

***-0344/3.31* SECTION 869.** 46.277 (5) (g) of the statutes is amended to read:
46.277 (5) (g) The department may provide enhanced reimbursement for services provided under this section to an individual who has resided in a nursing home for at least 100 consecutive days and who is relocated to the community from a nursing home by a county department on or after July 26, 2003 the effective date of this paragraph [revisor inserts date], if the nursing home bed that was used by the individual is delicensed upon relocation of the individual number of individuals served under this paragraph does not exceed the number of nursing home beds that are delicensed as part of plans submitted by nursing homes and approved by the department. The department shall develop and utilize a formula to determine the enhanced reimbursement rate. *Plain*

***-0311/3.5* SECTION 872.** 46.2785 of the statutes is created to read:

46.2785 Community Opportunities and Recovery Program. (1)

DEFINITIONS. In this section:

- (a) "Nursing facility" has the meaning given in 42 USC 1396r (a).
- (b) "Serious mental illness" has the meaning given in 42 CFR 483.102 (b) (1).
- (c) "Waiver program" means the Community Opportunities and Recovery Program for which a waiver has been requested under sub. (2) and granted under 42 USC 1396n (c).

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1 **(2) WAIVER REQUEST.** The department may request a waiver from the secretary
2 of the U.S. department of health and human services, under 42 USC 1396n (c),
3 authorizing the department to serve in their communities medical assistance
4 recipients who meet eligibility requirements specified in sub. (4) by providing them
5 home or community-based services as part of the Medical Assistance program. If the
6 department requests the waiver, it shall include all the assurances required under
7 42 USC 1396n (c) (2) in the request. If the department receives the waiver, it may
8 request an extension of the waiver under 42 USC 1396n (c).

9 **(3) CONTRACT FOR ADMINISTRATION.** If doing so is consistent with the waiver
10 received by the department as specified in sub. (2), the department may contract with
11 a county or a private agency to administer the waiver program. A private agency
12 with which the department contracts shall have the powers and duties of a county
13 under this section.

14 **(4) ELIGIBILITY.** Any medical assistance recipient who has a serious mental
15 illness and meets the level of care requirements under s. 49.45 (6m) (i) for
16 reimbursement of nursing home care under the Medical Assistance program is
17 eligible to participate in the waiver program.

18 **(5) FUNDING.** (a) Medical assistance reimbursement for services a county or
19 private agency contracts for or provides under the waiver program shall be made
20 from the appropriation accounts under s. 20.435 (4) (b) and (o).

21 (b) The department may, from the appropriation account under s. 20.435 (4) (o),
22 reimburse a county for providing, or contracting to provide, services that cost more
23 than the average annual per person rate established by the department, but less
24 than the average amount approved by the federal government for the waiver
25 program.

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1 ***b0223/1.1* SECTION 872p.** 46.279 (4n) of the statutes is created to read:

2 46.279 (4n) CONTRACT FOR PLAN PAYMENT. The department and the county
3 specified in sub. (4m) (a) shall negotiate a contract under which the department shall
4 provide payment, from the appropriation account under s. 20.435 (4) (b), to
5 implement a plan to provide care in a noninstitutional community setting to an
6 individual who has established residence in the county in order to be admitted to an
7 intermediate facility in the county. The contract may provide for the negotiation of
8 a memorandum of understanding between the parties that identifies the relative
9 functions and duties of the department and the county in implementing plans under
10 sub. (4) for residents of intermediate facilities in the county.

11 ***b0232/1.1* SECTION 872m.** 46.281 (1) (e) of the statutes is renumbered 46.281
12 (1) (e) (intro.) and amended to read:

13 46.281 (1) (e) (intro.) After June 30, 2001, if:

14 1. If the local long-term care council for the applicable area has developed the
15 initial plan under s. 46.282 (3) (a) 1., contract with entities specified under par. (d)
16 and, only if specifically authorized by the legislature and if the legislature
17 appropriates necessary funding, contract as so authorized with one or more entities
18 in addition to those specified in par. (d) certified as meeting requirements under s.
19 46.284 (3) for services of the entity as a care management organization ~~and one or~~
20 ~~more entities for services specified under s. 46.283 (3) and (4).~~

21 ***b0232/1.1* SECTION 872n.** 46.281 (1) (e) 2. of the statutes is created to read:

22 46.281 (1) (e) 2. Contract with entities specified under par. (d) and other
23 entities for the provision of services under s. 46.283 (3) and (4), except that after the
24 effective date of this subdivision [revisor inserts date], the department shall notify
25 the joint committee on finance in writing of any proposed contract with an entity that

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1 did not have a contract to provide services under s. 46.283 (3) and (4) before the
2 effective date of this subdivision [revisor inserts date]. If the cochairpersons of
3 the committee do not notify the department within 14 working days after the date
4 of the department's notification that the committee has scheduled a meeting for the
5 purpose of reviewing the proposed contract, the department may enter into the
6 proposed contract. If within 14 working days after the date of the department's
7 notification the cochairpersons of the committee notify the department that the
8 committee has scheduled a meeting for the purpose of reviewing the proposed
9 contract, the department may enter into the proposed contract only upon approval
10 of the committee.

11 *b0232/1.1* SECTION 872o. 46.283 (1) (a) (intro.) of the statutes is amended to
12 read:

13 46.283 (1) (a) (intro.) ~~After considering recommendations of the local~~
14 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors
15 and, in a county with a county executive or a county administrator, the county
16 executive or county administrator, may decide all of the following:

17 *b0232/1.1* SECTION 872p. 46.283 (1) (b) of the statutes is amended to read:

18 46.283 (1) (b) ~~After considering recommendations of the local long-term care~~
19 ~~council under s. 46.282 (3) (a) 1., the~~ The governing body of a tribe or band or of the
20 Great Lakes Inter-Tribal Council, Inc., may decide whether to authorize a tribal
21 agency to apply to the department for a contract to operate a resource center for tribal
22 members and, if so, which client group to serve.

23 *b0232/1.1* SECTION 872q. 46.283 (1) (c) of the statutes is amended to read:

24 46.283 (1) (c) ~~Under the requirements of par. (a), a~~ A county board of
25 supervisors may decide to apply to the department for a contract to operate a

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1 multicounty resource center in conjunction with the county board or boards of one
2 or more other counties or a county-tribal resource center in conjunction with the
3 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc.

4 ***b0232/1.1* SECTION 872r.** 46.283 (1) (d) of the statutes is amended to read:

5 46.283 (1) (d) ~~Under the requirements of par. (b), the~~ The governing body of a
6 tribe or band may decide to apply to the department for a contract to operate a
7 resource center in conjunction with the governing body or governing bodies of one or
8 more other tribes or bands or the Great Lakes Inter-Tribal Council, Inc., or with a
9 county board of supervisors.

10 ***b0232/1.1* SECTION 872s.** 46.283 (2) (b) (intro.) of the statutes is amended to
11 read:

12 46.283 (2) (b) (intro.) After June 30, 2001, the department shall contract with
13 the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review
14 conditions under s. 48.281 (1) (e) 2. are satisfied, in addition to contracting with these
15 entities ~~and subject to approval of necessary funding~~, contract to operate a resource
16 center with counties, family care districts, or the governing body of a tribe or band
17 or the Great Lakes Inter-Tribal Council, Inc., under a joint application of any of
18 these, or with a private nonprofit organization if the department determines that the
19 organization has no significant connection to an entity that operates a care
20 management organization and if any of the following applies:

21 ***b0232/1.2* SECTION 876m.** 46.2895 (1) (a) (intro.) of the statutes is amended
22 to read:

23 46.2895 (1) (a) (intro.) ~~After considering recommendations of the local~~
24 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors may
25

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1 create a special purpose district that is termed a "family care district", that is a local
2 unit of government, that is separate and distinct from, and independent of, the state
3 and the county, and that has the powers and duties specified in this section, if the
4 county board does all of the following:

5 ***-0311/3.6* SECTION 877.** 46.286 (1) (a) 2. b. of the statutes is amended to read:

6 46.286 (1) (a) 2. b. Home and community-based waiver programs under 42
7 USC 1396n (c), including ~~community integration program~~ Community Integration
8 Program under s. 46.275, 46.277, or 46.278 and the Community Opportunities and
9 Recovery Program under s. 46.2785.

10 ***-0312/2.1* SECTION 878.** 46.286 (3) (d) of the statutes is amended to read:

11 46.286 (3) (d) The department shall determine the date, which shall not be later
12 than January 1, 2006 2008, on which par. (a) shall first apply to persons who are not
13 eligible for medical assistance under ch. 49. Before the date determined by the
14 department, persons who are not eligible for medical assistance may receive the
15 family care benefit within the limits of state funds appropriated for this purpose and
16 available federal funds.

17 ***-0295/2.5* SECTION 879.** 46.40 (1) (a) of the statutes is amended to read:

18 46.40 (1) (a) Within the limits of available federal funds and of the
19 appropriations under s. 20.435 ~~(3) (e) and~~ (7) (b) and (o), the department shall
20 distribute funds for community social, mental health, developmental disabilities,
21 and alcohol and other drug abuse services and for services under ss. 46.51, 46.87,
22 46.985, and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and
23 51.437 and to county aging units, as provided in subs. (2), (2m), and (7) to (9).

24 ***-0349/5.1* SECTION 880.** 46.48 (11m) of the statutes is created to read:

25 46.48 (11m) FEMALE OFFENDER REINTEGRATION PROGRAM. (a) In this subsection:

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1 1. "Offender" has the meaning given in s. 304.16 (2) (i).

2 2. "Prisoner" has the meaning given in s. 301.01 (2).

3 (b) The department shall award not more than \$83,800 in fiscal year 2005-06
4 and not more than \$106,400 in fiscal year 2006-07 as a grant to an organization or
5 a group of organizations to provide services for female prisoners and offenders from
6 Milwaukee County and their children, if the prisoners or offenders have been
7 convicted of nonviolent crimes.

8 (c) The grant awardee under par. (b) shall provide at least all of the following
9 for up to 6 months before a prisoner's release from prison and up to 2 years after
10 release:

11 1. Screening, assessment, and treatment, including mental health and
12 permanency services, for the prisoners or offenders to assist in their reintegration
13 into the community.

14 2. At-risk assessments for all dependent children of female prisoners or
15 offenders who receive services under subd. 1., and comprehensive support services.

16
17 *-0295/2.6* SECTION 883. 46.495 (1) (am) of the statutes is amended to read:

18 46.495 (1) (am) The department shall reimburse each county from the
19 appropriations under s. 20.435 (3) ~~(e)~~ and (7) (b) and (o) for social services as
20 approved by the department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b)
21 1. d. and (e) 3. a. except that no reimbursement may be made for the administration
22 of or aid granted under s. 49.02.

23 *-0084/3.9* SECTION 884. 46.495 (1) (d) of the statutes is amended to read:

24 46.495 (1) (d) From the appropriations under s. 20.435 (3) ~~(e)~~ and (7) (b) and
25 (o), the department shall distribute the funding for social services, including funding

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1 for foster care ~~or~~, treatment foster care, or subsidized guardianship care of a child on
2 whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,
3 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for
4 the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for
5 the distribution under s. 46.40 (2) shall be specified in a schedule established
6 annually by the department of health and family services. Each county's required
7 match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of
8 the county's distributions under s. 46.40 (8) for that year for which matching funds
9 are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,
10 to spend for juvenile delinquency-related services from its distribution for 1987.
11 Each county's required match for the distribution under s. 46.40 (9) (b) for a year
12 equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that
13 year. Matching funds may be from county tax levies, federal and state revenue
14 sharing funds, or private donations to the county that meet the requirements
15 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
16 match. If the county match is less than the amount required to generate the full
17 amount of state and federal funds distributed for this period, the decrease in the
18 amount of state and federal funds equals the difference between the required and the
19 actual amount of county matching funds.

****NOTE: This is reconciled s. 46.495 (1) (d). This SECTION has been affected by
drafts with the following LRB #s: LRB-0084/2, LRB-0295/1, and LRB-0746/3.

20 *-0084/3.10* SECTION 885. 46.51 (4) of the statutes is amended to read:

21 46.51 (4) A county may use the funds distributed under this section to fund
22 additional foster parents ~~and~~, treatment foster parents, and subsidized guardians
23 or interim caretakers to care for abused and neglected children and to fund

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1 additional staff positions to provide services related to child abuse and neglect and
2 to unborn child abuse.

3 *-0292/5.6* SECTION 889. 46.515 (2) of the statutes is amended to read:

4 46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
5 by the department under sub. (5) to participate in the program under this section,
6 the department shall award, from the appropriation under s. 20.435 (3) ~~(de)~~ (5) (ab),
7 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).
8 The minimum amount of a grant is \$10,000. The department shall determine the
9 amount of a grant awarded to a county, other than a county with a population of
10 500,000 or more, or Indian tribe in excess of the minimum amount based on the
11 number of births that are funded by medical assistance under subch. IV of ch. 49 in
12 that county or the reservation of that Indian tribe in proportion to the number of
13 births that are funded by medical assistance under subch. IV of ch. 49 in all of the
14 counties and the reservations of all of the Indian tribes to which grants are awarded
15 under this section. The department shall determine the amount of a grant awarded
16 to a county with a population of 500,000 or more in excess of the minimum amount
17 based on 60% of the number of births that are funded by medical assistance under
18 subch. IV of ch. 49 in that county in proportion to the number of births that are
19 funded by medical assistance under subch. IV of ch. 49 in all of the counties and the
20 reservations of all of the Indian tribes to which grants are awarded under this
21 section.

22
23
24 *-0041/2.1* SECTION 895. 46.52 of the statutes is amended to read:

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SECTION 895

1 **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)
2 (md), the department shall distribute funds to each grant recipient under this section
3 so as to permit initial phasing in of recovery-oriented system changes, prevention
4 and early intervention strategies, and consumer and family involvement for
5 individuals with mental illness. At least 10% of the funds distributed shall be for
6 children with mental illness. ~~The department shall eliminate the funding for a~~
7 ~~recipient at the end of a period of not more than 3 years in order to provide funding~~
8 ~~to benefit another recipient. The department shall require that community services~~
9 ~~that are developed under this section are continued, following termination of funding~~
10 ~~under this section, by use of savings made available from incorporating recovery,~~
11 ~~prevention and early intervention strategies, and consumer and family involvement~~
12 ~~in the services.~~

13 ***-0313/1.2* SECTION 896.** 46.75 (2) (a) of the statutes is amended to read:

14 46.75 (2) (a) From the appropriation under s. 20.435 ~~(3)~~ (5) (dn), the
15 department shall award grants to agencies to operate food distribution programs
16 that qualify for participation in the emergency food assistance program under P.L.
17 98–8, as amended.

18 ***-0313/1.3* SECTION 897.** 46.77 of the statutes is amended to read:

19 **46.77 Food distribution administration.** From the appropriation under s.
20 20.435 ~~(3)~~ (5) (dn), the department shall allocate funds to eligible recipient agencies,
21 as defined in the emergency food assistance act, P.L. 98–8, section 201A, as amended,
22 for the storage, transportation and distribution of commodities provided under the
23 hunger prevention act of 1988, P.L. 100–435, as amended.

24 ***b0145/2.1* SECTION 897p.** 46.81 (2) of the statutes is amended to read:

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SECTION 897p

1 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the
2 department shall allocate \$2,298,400 in each fiscal year and from the appropriation
3 account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year
4 2006-07 to aging units to provide benefit specialist services for older individuals.
5 The department shall ensure that each aging unit receives funds and shall take into
6 account the proportion of the state's population of low-income older individuals who
7 reside in a county.

8 ***b0145/2.1* SECTION 897r.** 46.81 (2) of the statutes, as affected by 2005
9 Wisconsin Act (this act), is amended to read:

10 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the
11 department shall allocate \$2,298,400 in each fiscal year ~~and from the appropriation~~
12 ~~account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year~~
13 2006-07 to aging units to provide benefit specialist services for older individuals.
14 The department shall ensure that each aging unit receives funds and shall take into
15 account the proportion of the state's population of low-income older individuals who
16 reside in a county.

17 ***-1635/3.2* SECTION 898.** 46.95 (2) (a) of the statutes is amended to read:

18 46.95 (2) (a) The secretary shall make grants from the appropriations under
19 s. 20.435 (3) (cd), and (hh) ~~and (km)~~ to organizations for the provision of any of the
20 services specified in sub. (1) (d). Grants may be made to organizations which have
21 provided those domestic abuse services in the past or to organizations which propose
22 to provide those services in the future. No grant may be made to fund services for
23 child or unborn child abuse or abuse of elderly persons.

24 ***b0176/1.1* SECTION 898c.** 46.95 (2) (d) 1. of the statutes is repealed.

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SECTION 898e

1 ***b0176/1.1* SECTION 898e.** 46.95 (2) (d) 2. of the statutes is renumbered 46.95
2 (2) (d) and amended to read:

3 46.95 (2) (d) ~~Not more than 33 1/3% of the 30% of an organization's operating~~
4 ~~budget not funded by grants under this section may consist of the value of An~~
5 organization that receives a grant under this section shall provide matching funds
6 or in-kind contributions that are equal to 25 percent of the amount of the grant. The
7 department shall establish guidelines regarding which contributions qualify as
8 in-kind contributions.

9 ***-1635/3.3* SECTION 899.** 46.95 (2) (f) (intro.) of the statutes is amended to
10 read:

11 46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (3) (cd), and (hh)
12 ~~and (km)~~, the department shall do all of the following:

13 ***-0284/2.1* SECTION 900.** 46.95 (2) (f) 7. of the statutes is amended to read:

14 46.95 (2) (f) 7. Award ~~a grant of \$25,000 grants~~ in each fiscal year to each of
15 ~~30~~ organizations to enhance support services. Funding may be used for such
16 purposes as case management; children's programming; assisting victims of
17 domestic abuse to find employment; and training in and activities promoting
18 self-sufficiency.

19 ***-0284/2.2* SECTION 901.** 46.95 (2) (f) 8. of the statutes is amended to read:

20 46.95 (2) (f) 8. Award \$200,000 in grants in each fiscal year to organizations
21 for domestic abuse services for individuals who are members of underserved
22 populations, including racial minority group members and individuals with mental
23 illness or developmental disabilities. ~~A grant to an organization may not exceed~~
24 ~~\$60,000.~~

25 ***-0284/2.3* SECTION 902.** 46.95 (2) (f) 9. of the statutes is amended to read:

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1 46.95 (2) (f) 9. Award a grant of ~~\$25,000 in fiscal year 1999–2000 and a grant~~
2 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic
3 Violence ~~for~~ toward the cost of a staff person to provide assistance in obtaining legal
4 services to domestic abuse victims.

5 *–1635/3.4* SECTION 903. 46.95 (2) (f) 10. of the statutes is created to read:

6 46.95 (2) (f) 10. Award a grant of \$563,500 in each fiscal year to the Refugee
7 Family Strengthening Project for providing domestic abuse services to the refugee
8 population. Funding may be used to hire bilingual staff persons, especially those
9 who speak Hmong.

10 *–1635/3.5* SECTION 904. 46.95 (2) (g) of the statutes is repealed.

11 *–0976/2.3* SECTION 905. 46.972 (title) of the statutes is amended to read:

12 46.972 (title) **Services Primary health for homeless individuals.**

13 *–0976/2.4* SECTION 906. 46.972 (2) (title) of the statutes is repealed.

14 *–0976/2.5* SECTION 907. 46.972 (2) of the statutes is renumbered 46.972.

15 *–0976/2.6* SECTION 908. 46.972 (3) of the statutes is renumbered 560.9811

16 and amended to read:

17 **560.9811 Mental health services.** (1) In this ~~subsection~~ section, “chronic
18 mental illness” has the meaning given in s. 51.01 (3g).

19 (2) From the appropriation under s. ~~20.435–(7)–(ee)~~ 20.143 (2) (fr), the
20 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying
21 public or nonprofit private entities for the costs of providing certain mental health
22 services to homeless individuals with chronic mental illness. Entities that receive
23 funds ~~allocated~~ awarded by the department under this subsection shall provide the
24 mental health services required under 42 USC 290cc–24. The amount that the

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1 department allocates awards to an applying entity may not exceed 50% of the
2 amount of matching funds required under 42 USC 290cc-23.

3 ***-0356/3.1* SECTION 909.** 46.977 (2) (a) of the statutes is amended to read:

4 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From
5 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this
6 section, based on the criteria under par. (c), award grants to applying organizations
7 for the purpose of recruiting, training, monitoring and assisting guardians for
8 persons determined to be incompetent under ch. 880. By June 30, the department
9 shall determine which organizations will receive a grant during the following fiscal
10 year based on the criteria under par. (c). No grant may be awarded paid unless the
11 applicant awardee provides matching funds equal to 10% of the amount of the award.
12 ~~The department shall make grants under this section from the appropriation under~~
13 ~~s. 20.435 (7) (cg).~~

14 ***-0356/3.2* SECTION 910.** 46.977 (2) (b) (intro.) of the statutes is amended to
15 read:

16 46.977 (2) (b) (intro.) Organizations awarded grants under ~~this section~~ par. (a)
17 shall do all of the following:

18 ***-0356/3.3* SECTION 911.** 46.977 (2) (b) 1. of the statutes is repealed.

19 ***-0356/3.4* SECTION 912.** 46.977 (2) (b) 2. of the statutes is amended to read:

20 46.977 (2) (b) 2. Provide training ~~for recruited guardians and technical~~
21 assistance on their duties guardianship issues.

22 ***-0356/3.5* SECTION 913.** 46.977 (2) (b) 3. of the statutes is repealed.

23 ***-0356/3.6* SECTION 914.** 46.977 (2) (b) 4. of the statutes is amended to read:

24 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in
25 performing their duties.

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1 ***-0356/3.7*** SECTION 915. 46.977 (2) (c) (intro.) and 2. of the statutes are
2 consolidated, renumbered 46.977 (2) (c) and amended to read:

3 46.977 (2) (c) In reviewing applications for grants, the department shall
4 consider ~~all of the following:~~ The the extent to which the proposed program will
5 effectively recruit, train, ~~monitor~~ and assist guardians for persons determined to be
6 incompetent under ch. 880.

7 ***-0356/3.8*** SECTION 916. 46.977 (2) (c) 1. of the statutes is repealed.

8 ***-0311/3.7*** SECTION 917. 46.985 (2) (a) 4. of the statutes is amended to read:

9 46.985 (2) (a) 4. Procedures for coordinating the family support program and
10 the use of its funds, throughout this state and in each service area, with other
11 publicly funded programs including the community options program under s. 46.27;
12 the ~~community integration program~~ Community Integration Program under ss.
13 46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program
14 under s. 46.2785; the social services, mental health, and developmental disabilities
15 programs under ss. 46.495, 51.42, and 51.437; the independent living center program
16 under s. 46.96; and the ~~medical assistance~~ Medical Assistance program under subch.
17 IV of ch. 49.

18 ***-1635/3.6*** SECTION 918. 46.99 (2) (a) (intro.) of the statutes is amended to
19 read:

20 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and
21 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
22 nonprofit corporations and public agencies operating in a county having a population
23 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
24 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county

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1 having a population of 500,000 or more to provide programs to accomplish all of the
2 following:

3 *-1635/3.7* SECTION 919. 46.995 (1m) of the statutes is amended to read:

4 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS ALLOCATION. From the
5 appropriation account under s. 20.435 (3) (km), the department may allocate
6 \$195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3)
7 (eg), the department may allocate \$15,000 \$210,000 in each fiscal year to provide the
8 grants specified in subs. (2), (3) (b), and (4m) (b).

9 *-1635/3.8* SECTION 920. 46.995 (2) of the statutes is amended to read:

10 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the allocations
11 allocation under sub. (1m), the department may provide a grant annually in the
12 amount of \$85,000 to the elected governing body of a federally recognized American
13 Indian tribe or band to provide services for adolescent parents which shall emphasize
14 high school graduation and vocational preparation, training, and experience and
15 may be structured so as to strengthen the adolescent parent's capacity to fulfill
16 parental responsibilities by developing social skills and increasing parenting skills.
17 The tribe or band seeking to receive a grant to provide these services shall develop
18 a proposed service plan that is approved by the department.

19 *-1635/3.9* SECTION 921. 46.995 (3) (b) of the statutes is amended to read:

20 46.995 (3) (b) From the allocations allocation under sub. (1m), the department
21 may provide a grant annually in the amount of \$65,000 to the elected governing body
22 of a federally recognized American Indian tribe or band to provide to high-risk
23 adolescents pregnancy and parenthood prevention services which shall be
24 structured so as to increase development of decision-making and communications

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1 skills, promote graduation from high school, and expand career and other options
2 and which may address needs of adolescents with respect to pregnancy prevention.

3 ***-1635/3.10* SECTION 922.** 46.995 (4m) (b) (intro.) of the statutes is amended
4 to read:

5 46.995 (4m) (b) (intro.) From the ~~allocations~~ allocation under sub. (1m), the
6 department may provide a grant annually in the amount of \$60,000 to the elected
7 governing body of a federally recognized American Indian tribe or band for the
8 provision of information to members of the tribe or band in order to increase
9 community knowledge about problems of adolescents and information to and
10 activities for adolescents, particularly female adolescents, in order to enable the
11 adolescents to develop skills with respect to all of the following:

12 ***-0084/3.11* SECTION 924.** 48.33 (4) (intro.) of the statutes is amended to read:

13 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
14 placement of an adult expectant mother outside of her home shall be in writing. A
15 report recommending placement of a child in a foster home, treatment foster home,
16 group home, or residential care center for children and youth ~~or~~, in the home of a
17 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
18 be in writing and shall include all of the following:

19 ***-0084/3.12* SECTION 925.** 48.345 (3) (c) of the statutes is amended to read:

20 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
21 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.
22 48.977 (2).

23 ***-0084/3.13* SECTION 926.** 48.356 (1) of the statutes is amended to read:

24 48.356 (1) Whenever the court orders a child to be placed outside his or her
25 home, orders an expectant mother of an unborn child to be placed outside of her

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1 home, or denies a parent visitation because the child or unborn child has been
2 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
3 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.
4 48.977 (2), the court shall orally inform the parent or parents who appear in court
5 or the expectant mother who appears in court of any grounds for termination of
6 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions
7 necessary for the child or expectant mother to be returned to the home or for the
8 parent to be granted visitation.

9 ***-0084/3.14* SECTION 927.** 48.425 (1) (g) of the statutes is amended to read:

10 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
11 determines that it is unlikely that the child will be adopted, or if adoption would not
12 be in the best interests of the child, the report shall include a plan for placing the child
13 in a permanent family setting. The plan shall include a recommendation as to the
14 agency to be named guardian of the child ~~or~~, a recommendation that the person
15 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
16 of the child, or a recommendation that a guardian be appointed for the child under
17 s. 48.977 (2).

18 ***-0084/3.15* SECTION 928.** 48.427 (3m) (intro.) of the statutes is amended to
19 read:

20 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
21 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
22 the court shall ~~either~~ do one of the following:

23 ***-0084/3.16* SECTION 929.** 48.427 (3m) (c) of the statutes is created to read:

24 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
25 and custody of the child to the guardian.

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1 *-0084/3.17* SECTION 930. 48.427 (3p) of the statutes is amended to read:

2 48.427 (3p) If the rights of both parents or of the only living parent are
3 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
4 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
5 an order under this subsection, the court shall terminate the guardianship under s.
6 48.977.

7 *-0084/3.18* SECTION 932. 48.48 (17) (a) 3. of the statutes is amended to read:

8 48.48 (17) (a) 3. Provide appropriate protection and services for children and
9 the expectant mothers of unborn children in its care, including providing services for
10 those children and their families and for those expectant mothers in their own
11 homes, placing the children in licensed foster homes, treatment foster homes, or
12 group homes in this state or another state within a reasonable proximity to the
13 agency with legal custody, placing the children in the homes of guardians under s.
14 48.977 (2), or contracting for services for those children by licensed child welfare
15 agencies, except that the department may not purchase the educational component
16 of private day treatment programs unless the department, the school board, as
17 defined in s. 115.001 (7), and the state superintendent of public instruction all
18 determine that an appropriate public education program is not available. Disputes
19 between the department and the school district shall be resolved by the state
20 superintendent of public instruction.

21 *-0084/3.19* SECTION 933. 48.48 (17) (c) 4. of the statutes is amended to read:

22 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
23 ~~or, residential care center for children and youth, or subsidized guardianship home~~
24 under s. 48.62 (5).

25 *-0084/3.20* SECTION 934. 48.57 (1) (c) of the statutes is amended to read:

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1 48.57 (1) (c) To provide appropriate protection and services for children and the
2 expectant mothers of unborn children in its care, including providing services for
3 those children and their families and for those expectant mothers in their own
4 homes, placing those children in licensed foster homes, treatment foster homes, or
5 group homes in this state or another state within a reasonable proximity to the
6 agency with legal custody, placing those children in the homes of guardians under
7 s. 48.977 (2), or contracting for services for those children by licensed child welfare
8 agencies, except that the county department may not purchase the educational
9 component of private day treatment programs unless the county department, the
10 school board, as defined in s. 115.001 (7), and the state superintendent of public
11 instruction all determine that an appropriate public education program is not
12 available. Disputes between the county department and the school district shall be
13 resolved by the state superintendent of public instruction.

14 ***-0084/3.21* SECTION 935.** 48.57 (3) (a) 4. of the statutes is amended to read:

15 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
16 ~~or~~, residential care center for children and youth, or subsidized guardianship home
17 under s. 48.62 (5).

18 ***-0084/3.22* SECTION 936.** 48.57 (3m) (cm) of the statutes is amended to read:

19 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
20 for providing care and maintenance for a child is not eligible to receive a payment
21 under sub. (3n) or s. 48.62 (4) or (5) for that child.

22 ***-0265/3.4* SECTION 937.** 48.57 (3m) (h) of the statutes is created to read:

23 48.57 (3m) (h) A county department or, in a county having a population of
24 500,000 or more, the department may recover an overpayment made under par. (am)
25 from a kinship care relative who continues to receive payments under par. (am) by

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1 reducing the amount of the kinship care relative's monthly payment. The
2 department may by rule specify other methods for recovering overpayments made
3 under par. (am). A county department that recovers an overpayment under this
4 paragraph due to the efforts of its officers and employees may retain a portion of the
5 amount recovered, as provided by the department by rule.

6 ***-0084/3.23* SECTION 938.** 48.57 (3n) (cm) of the statutes is amended to read:

7 48.57 (3n) (cm) A long-term kinship care relative who receives a payment
8 under par. (am) for providing care and maintenance for a child is not eligible to
9 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

10 ***-0265/3.5* SECTION 939.** 48.57 (3n) (h) of the statutes is created to read:

11 48.57 (3n) (h) A county department or, in a county having a population of
12 500,000 or more, the department may recover an overpayment made under par. (am)
13 from a long-term kinship care relative who continues to receive payments under par.
14 (am) by reducing the amount of the long-term kinship care relative's monthly
15 payment. The department may by rule specify other methods for recovering
16 overpayments made under par. (am). A county department that recovers an
17 overpayment under this paragraph due to the efforts of its officers and employees
18 may retain a portion of the amount recovered, as provided by the department by rule.

19 ***-0084/3.24* SECTION 940.** 48.57 (3p) (a) of the statutes is amended to read:

20 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of
21 age or over who lives at the home of a person who has applied for or is receiving
22 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making
23 that home his or her home or who lives for more than 30 days cumulative in any
24 6-month period at the home of a person who has applied for or is receiving payments
25 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).